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LEGISLATIVE JOURNAL

TUESDAY, MARCH 11, 2008

SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 18

HOUSE OF REPRESENTATIVES

The House convened at 2 p.m., e.d.t.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

PRAYER

The SPEAKER. The prayer will be offered by Rev. Wes Gunther, the guest of Representative Scott Perry.

REV. WES GUNTHER, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Our dear, gracious Heavenly Father, we do thank You for the opportunity and the privilege we have to be assembled here today. Lord, we thank You for these men and women who have given their time sacrificially to represent the citizens of this great Commonwealth. Lord, we do pray now for wisdom, for discernment, that You will be with the decisions that need to be made. Lord, we thank You for Your hand of blessing upon us and ask that it continues in the days, months, and years to come.

We ask this now in Your precious name. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, March 10, 2008, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, who requests that Representative BELFANTI from Northampton County be placed on leave for the day. The Chair sees no objection. The leave will be granted.

The Chair recognizes the minority whip, who requests that Representative MAHER from Allegheny County be placed on leave for the day. The Chair sees no objection. The leave will be granted.

Members will report to the floor.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members will proceed to vote.

PRESENT—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Benninghoff	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Grucela	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harper	Myers	Sonney
Carroll	Harris	Nailor	Staback
Casorio	Helm	Nickol	Stairs
Causer	Hennessey	O'Brien, M.	Steil
Civera	Hess	O'Neill	Stern
Clymer	Hickernell	Oliver	Stevenson
Cohen	Hornaman	Pallone	Sturla
Conklin	Hutchinson	Parker	Surra
Costa	James	Pashinski	Swanger
Cox	Josephs	Payne	Tangretti
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D.,
Frankel	Markosek	Roebuck	Speaker
Freeman			

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

Belfanti Hershey Maher Taylor, J.

LEAVES ADDED—1

Stairs

LEAVES CANCELED—2

Belfanti Maher

The SPEAKER. A quorum being present, the House will proceed to conduct business.

TOURISM AND RECREATIONAL DEVELOPMENT COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman, Representative Tangretti, rise?

Mr. TANGRETTI. Thank you, Mr. Speaker. For a committee announcement.

The SPEAKER. The gentleman will repeat.

Mr. TANGRETTI. For a committee meeting announcement.

The SPEAKER. The gentleman will make his announcement.

Mr. TANGRETTI. Thank you.

Mr. Speaker, the Tourism and Recreational Development Committee will meet at the break to consider HB 2302 in 205, Ryan; 205, Ryan at the break. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Tourism and Recreational Development Committee will meet at the break in room 205, Ryan Building.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 2052, PN 2889 By Rep. FREEMAN

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, providing for appointment of township treasurers and election of tax collectors; further defining the duties and authority of the board of township commissioners; and making repeals.

LOCAL GOVERNMENT.

HB 2053, PN 2890 By Rep. FREEMAN

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, providing for a transition from township treasurers to tax collectors in first class townships; and making editorial changes.

LOCAL GOVERNMENT.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to recognize the guests of Representative Bernie O'Neill, Ed Bishop and his daughter, Janine Bishop. Ed Bishop is the constituent of Representative Saylor, and Janine is the constituent of

Representative Kathy Watson. Janine is also the legislative assistant in Representative O'Neill's Warminster district office. Would you please stand and be recognized. We will come back and do this again, Representative O'Neill.

The Chair would like to recognize, as the guests of Representatives Siptroth, Scavello, Carroll, and Peifer, Ann Pilcher and Carl Wilgus of the Pocono Mountains Visitors Bureau. Would you please stand and be recognized. They are in the balcony.

MIRANDA ZIMMERMAN PRESENTED

The SPEAKER. The Chair requests that Representative Yewcic approach the podium for the purpose of an introduction. Members will please take their seats.

Representative Yewcic.

Mr. YEWIC. Thank you, Mr. Speaker.

It is my privilege to stand here today and introduce Pennsylvania's Most Outstanding Young Woman of the Year Award. It is an organization that is a statewide scholarship program that recognizes excellence among high school senior girls. College scholarships and cash scholarships totaling hundreds of thousands of dollars annually are awarded through local and state competitions. And our State finals are held each year in Reading.

In November, Miranda Zimmerman, a senior at North Star High School and a resident of Stoystown, Pennsylvania, and Somerset County was selected as Pennsylvania's Outstanding Young Woman for 2008. Miranda is an articulate, talented, highly intelligent young woman who represents not only Somerset County and her high school well but the Commonwealth of Pennsylvania. She intends to enroll in the University of New York, Buffalo Campus, or Point Park University as a dance major and has aspirations to perhaps one day be on Broadway. She is a very talented and bright and witty young lady, and I am proud to introduce Miranda Zimmerman, Pennsylvania's Most Outstanding Young Woman of the Year. Miranda.

Also with us are Miranda's parents, Tom and Jodell Zimmerman, who are sitting to my left. Along with them are Thomas and Verdean Zimmerman, her grandfather and grandmother. Luci Adam is a chaperone for the program, with her husband, Norm, and daughter Yvette Adam. They are all over here on our left, if you could stand up to be recognized.

And with that, I would like to present this citation to Miranda for her outstanding achievement as Pennsylvania's Outstanding Young Woman Award. Miranda.

SENATE MESSAGE

RECESS RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,
March 10, 2008

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, March 17, 2008, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, March 17, 2008, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

GUESTS INTRODUCED

The SPEAKER. Please welcome to the floor of the House Andrew Deiner, a constituent of Representative Marguerite Quinn of Bucks County. He also serves as an intern in her district office. Andrew is serving as a guest page today and is the president of Central Bucks East Young Republicans. And Andrew is accompanied by his father, James Deiner, seated to the right of the Speaker. Would you both please rise and be recognized. The Chair meant my other right, to the left of the Speaker.

Please join me in welcoming Yu Ye, a student at Slippery Rock University. She is here as the guest of Representative Gibbons and Representative Brooks and is participating in the House Page Program today. Yu is the daughter of Xia Tian and Bing Ye, who reside in the capital city of Chengdu, in the central province of Sichuan. Yu is in her junior year at Slippery Rock University, is studying sports management and accounting. Her goal is to eventually manage a golf course. You are the envy of many people here. Would you please stand and be recognized.

The Chair would like to recognize, as the guests of Representative Bernie O'Neill, Ed Bishop and his daughter, Janine Bishop. Ed Bishop is the constituent of Representative Saylor, and Janine is the constituent of Representative Kathy Watson. Janine is a legislative assistant in Representative O'Neill's Warminster district office. They are seated to the left of the Speaker. Would you please stand and be recognized.

The Chair would also like to recognize, as the guest of the Speaker, Lyndsay O'Herrick. She is a senior at Temple University. Her major is political science and her minor is history. She is seated to the left of the Speaker. Lyndsay, would you please stand and be recognized.

The Chair announces its intention to recess regular session and go into special session at 2:29.

RECESS

The SPEAKER. Regular session will now stand in recess.

AFTER RECESS

The time of recess having expired, the House was called to order.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. PETRONE called up **HR 518, PN 2912**, entitled:

A Resolution commemorating the life and contributions of Lady Bird Johnson, who died on July 11, 2007, including her humanitarian efforts and her leadership role in transforming the American landscape and preserving its natural beauty.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Petrone on the resolution.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, HR 518 honors the life and accomplishments of Lady Bird Johnson, the widow of President Lyndon Johnson, who died this past July 11 at the age of 94.

In addition to being an enthusiastic political wife and gracious First Lady, Lady Bird Johnson was an astute businesswoman, a conservationist, a philanthropist, and a loving and devoted mother to her two daughters, Lynda Bird and Luci Baines, as well as her 7 grandchildren and 10 great-grandchildren.

Mrs. Johnson showed courage in helping our grieving nation heal after the assassination of President Kennedy and was a constant adviser to her husband during the many difficult days of his Presidency. She was a tireless supporter of her husband's efforts to extend the full benefits of citizenship to people of all races through his landmark civil rights legislation and to lift Americans out of poverty through the advocacy of initiatives such as the educational Head Start Program.

Perhaps most notably, Lady Bird Johnson was one of the country's pioneering environmentalists. While her husband was in office she utilized her role as First Lady to call for a national awareness of beautification of the environment. The Highway Beautification Act of 1965, known as Lady Bird's Bill, which helped to constrain junkyards and billboards on highways and subsidize public landscaping, was one tangible result of her efforts. She was a dedicated and powerful spokeswoman in support of the Conservation of Public Lands Act and clean air and water legislation, the programs that sealed the foundation for the 1970 formation of the Federal Environmental Protection Agency.

On her 70th birthday in 1982, Mrs. Johnson donated 60 acres of land and funds to establish the National Wildflower Research Center, a nonprofit environmental organization dedicated to the preservation and reestablishment of native plants in natural and planned landscapes. The center, which was later renamed in her honor, has been instrumental in helping preserve many species of wildflowers and plants, which are increasingly sensitive to the challenges of climate change. Lady Bird Johnson was truly one of America's finest citizens and was recognized as such. She was the recipient of the nation's highest civilian awards: the Medal of Freedom, given by President Ford in 1977, and the

Congressional Gold Medal, which was authorized by the Congress of 1984 and presented by President Reagan in 1988.

Having demonstrated exceptional abilities in the fields of government, business, and social justice, Mrs. Johnson represented the finest qualities of American women, and therefore, it is quite fitting that we commemorate this great lady's life and many contributions in this manner today.

I thank you very much and defer to our majority leader, Representative Bill DeWeese, who would like to make some comments regarding this resolution. Thank you.

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Just 60 seconds. Mr. Petrone, my friend and colleague, asked me to share 1 minute on Lady Bird. When I was Speaker of the House, I had the privilege to be in Austin and was invited by myself to go out to the ranch and have lunch with Lady Bird.

I had a 2-hour lunch. I had read several biographies of her husband. And I am very happy that Tom made us focus for just a couple of minutes on the life of this very gentle and decent soul, who manifestly gave her life to public service and to Texas and to the United States. So we do a lot of different things on the floor but we do not do them for any nicer lady.

So, Tom Petrone, thank you for introducing this. And thank you, Mr. Speaker, for my 1 minute at the microphone.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Roebuck
Argall	Gabig	Marshall	Rohrer
Baker	Galloway	Marsico	Ross
Barrar	Geist	McCall	Rubley
Bastian	George	McGeehan	Sabatina
Bear	Gerber	McI. Smith	Sainato
Belfanti	Gergely	McIlhattan	Samuelson
Benninghoff	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Grucela	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harper	Myers	Sonney
Carroll	Harris	Nailor	Staback
Casorio	Helm	Nickol	Steil
Causar	Hennessey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, R.
Creighton	Kauffman	Payton	Thomas
Cruz	Keller, M.	Peifer	True
Curry	Keller, W.	Perry	Turzai
Cutler	Kenney	Perzel	Vereb
Daley	Kessler	Petrarca	Vitali
Dally	Killion	Petri	Vulakovich
DeLuca	King	Petrone	Wagner

Denlinger	Kirkland	Phillips	Walko
DePasquale	Kortz	Pickett	Wansacz
Dermody	Kotik	Preston	Waters
DeWeese	Kula	Pyle	Watson
DiGirolo	Leach	Quigley	Wheatley
Donatucci	Lentz	Quinn	White
Eachus	Levdansky	Ramaley	Williams
Ellis	Longietti	Rapp	Wojnaroski
Evans, D.	Mackereth	Raymond	Yewcic
Evans, J.	Maher	Readshaw	Youngblood
Everett	Mahoney	Reed	Yudichak
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D., Speaker
Fleck	Mann	Rock	
Frankel	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

Hershey Stairs Taylor, J.

The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

The SPEAKER. The House will be at ease.

The House will come to order.

JUDICIARY COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman, Representative Caltagirone, rise?

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to call a House Judiciary Committee meeting as soon as we finish our business here on the floor of the House in room G-50.

The SPEAKER. The Chair thanks the gentleman.

The Judiciary Committee will meet at the recess in room G-50.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1137, PN 1621**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for medical professional liability insurance, for the Medical Care Availability and Reduction of Error Fund and for actuarial data; providing for the Medical Care Availability for Pennsylvanians (MCAP) Reserve Fund; further providing for abatement program, for the Health Care Provider Retention Account and for expiration; and providing for expiration of certain sections.

On the question,
Will the House agree to the bill on second consideration?

Mr. PERRY offered the following amendment No. A04850:

Amend Title, page 1, lines 19 and 20, by striking out "FOR PENNSYLVANIANS (MCAP) Reserve Fund" and inserting and Reduction of Error (Mcare) Reserve Account

Amend Sec. 2, page 17, lines 13 through 30; page 18, lines 1 through 8, by striking out all of said lines on said pages and inserting

SUBCHAPTER E
MEDICAL CARE AVAILABILITY
AND REDUCTION OF ERROR
(MCARE) RESERVE ACCOUNT

Section 751. Establishment.

There is established within the Medical Care Availability and Reduction of Error (Mcare) Fund a special account to be known as the Medical Care Availability and Reduction of Error (Mcare) Reserve Account.

Section 752. Purpose.

Money in the Medical Care Availability and Reduction of Error (Mcare) Reserve Account shall remain in the account for the sole purpose of reducing the unfunded liability of the fund.

Amend Sec. 4 (Sec. 1112), page 20, lines 7 through 15, by striking out all of said lines and inserting

(c.1) Transfers to the Medical Care Availability and Reduction of Error (Mcare) Reserve Fund.—If the Secretary of the Budget makes a transfer from the account under subsection (c), the remaining funds in the account shall be transferred to the Medical Care Availability and Reduction of Error (Mcare) Reserve Fund. If the Secretary of the Budget does not make a transfer from the account under subsection (c), all of the funds in the account shall be transferred to the Medical Care Availability and Reduction of Error (Mcare) Reserve Fund.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative Perry on the amendment.

Mr. PERRY. Thank you, Mr. Speaker.

As much as I would like to have this amendment remain in here, it is apparent that if the money is taken out of the Mcare (Medical Care Availability and Reduction of Error) Fund and put into the Property Tax Relief Fund, that the Governor will get it all and spend it where he wants to. So I respectfully request that this amendment be pulled.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. PERRY offered the following amendment No. A04851:

Amend Title, page 1, lines 18 and 19, by striking out "the Medical Care Availability ~~and~~" in line 18 and all of line 19 and inserting transfers from the Health Care Provider Retention Account to the Property Tax Relief;

Amend Sec. 4 (Sec. 1112), page 20, lines 7 through 15, by striking out all of said lines and inserting

(c.1) Transfers to the Property Tax Relief Fund.—If the Secretary of the Budget makes a transfer from the account under subsection (c), the remaining funds in the account shall be transferred to the Property Tax Relief Fund, established under 4 Pa.C.S. § 1409 (relating to Property Tax Relief Fund). If the Secretary of the Budget does not make a transfer from the account under subsection (c), all of the funds in the account shall be transferred to the Medical Care Availability and Reduction of Error (Mcare) Reserve Fund.

On the question,

Will the House agree to the amendment?

The SPEAKER. Representative Perry.

Mr. PERRY. Thank you, Mr. Speaker.

This amendment provides for the Mcare Fund to be maintained for the unfunded liability. Mr. Speaker, this is all-out wholesale theft of taxpayers' money and taxpayers' trust about where they think their money is going and where it will go. We have made a deal with them as to where their money should go and we should stick to the deal and not divert their funds to this, that, and the other thing, and a million other different programs. Leave the money where it belongs. Thank you, Mr. Speaker.

The SPEAKER. Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I rise to oppose amendment A04851. For the next day and a half we are going to focus on health care in this chamber. This is the number one issue in Pennsylvania. It is not a new issue, and it is surely not a new problem. We outlined this discussion as to respond to the gentleman. We outlined this, framed this discussion with the Governor's plan 2 years ago. And we have heard from patients and providers in rural and urban settings alike. Now we must work together to find access to affordable health care for the uninsured in Pennsylvania, especially for those low-income, hardworking families.

There are a number of issues in this debate that I would like to respond to in the gentleman's amendment: one, that providing affordable health insurance to low-income families should be our number one priority; two, that giving peace of mind to the hundreds of thousands of people by letting them see a doctor should be, once again, our first priority. Eliminating the waiting list on adultBasic should be what we are focused on, and continuing our dedication to our doctors by guaranteeing that the abatement process that we put in place, and the Mcare Fund, and the unfunded liability of the Mcare Fund in the future be guaranteed. Assisting our small businesses who are already overstrapped with the cost of health care should be a top priority to this chamber.

And let us not lose our focus. What the gentleman offers today attempts to shift health-care resources in this proposal away from health-care access for working families and to some other priority. I am asking the House to oppose this amendment because we need to focus on access to health care for all Pennsylvanians, and that is what we will be sincerely focused on for the next day and a half.

Thank you. I call for a "no" vote.

The SPEAKER. Is there anyone seeking recognition on the amendment?

The Chair recognizes Representative Perry for the second time.

Mr. PERRY. I will stand for interrogation.

The SPEAKER. Does the gentleman wish to be recognized for the second time?

Mr. PERRY. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order and may proceed.

AMENDMENT WITHDRAWN

Mr. PERRY. Mr. Speaker, apparently, I am just going to be honest with everybody, I pulled the wrong amendment, looked at the sheet wrong and the amendment on property tax is this

one and the other one to maintain the unfunded liability is the one I pulled.

So I would respectfully request we pull this one, and if it is not too late, to have the other one reconsidered.

The SPEAKER. The gentleman wishes to withdraw this amendment and return to amendment A04850. The Chair thanks the gentleman.

On the question recurring,
Will the House agree to the bill on second consideration?

Mr. **PERRY** reoffered the following amendment No. **A04850**:

Amend Title, page 1, lines 19 and 20, by striking out "FOR PENNSYLVANIANS (MCAP) Reserve Fund" and inserting
and Reduction of Error (Mcare) Reserve Account

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Amend Sec. 4 (Sec. 1112), page 20, lines 7 through 15, by striking out all of said lines and inserting

(c.1) Transfers to the Medical Care Availability and Reduction of Error (Mcare) Reserve Fund.—If the Secretary of the Budget makes a transfer from the account under subsection (c), the remaining funds in the account shall be transferred to the Medical Care Availability and Reduction of Error (Mcare) Reserve Fund. If the Secretary of the Budget does not make a transfer from the account under subsection (c), all of the funds in the account shall be transferred to the Medical Care Availability and Reduction of Error (Mcare) Reserve Fund.

On the question recurring,
Will the House agree to the amendment?

The SPEAKER. Representative Perry.

Mr. **PERRY**. Thank you, Mr. Speaker.

Again, this amendment just provides for taking care of the unfunded liability and the Mcare Fund and not transferring the funds elsewhere to be spent on other things.

Thank you, Mr. Speaker.

The SPEAKER. Representative Eachus.

Mr. **EACHUS**. Thank you, Mr. Speaker.

No long speeches. We comprehensively deal with the gentleman's content in a comprehensive amendment that will be dealt with later. I rise to oppose this amendment because we have a comprehensive solution that we will be voting on later in this process.

Thank you for a "no" vote.

The SPEAKER. Will the House agree to the amendment?

Representative Boyd.

Mr. **BOYD**. Thank you, Mr. Speaker.

Mr. Speaker, I would rise to support the Perry amendment. I think it is important to recognize that the money that the gentleman is referring to in his amendment is revenue that was a part of an act that this legislature took a few years ago to secure and protect physicians in Pennsylvania, to keep them practicing in Pennsylvania. This is absolutely essential that we not raid this fund to use for other programs. And while I understand that there is a comprehensive way that this is going to be dealt with, the language that has been proposed has only been on the system for about 3 hours, and I do not know that we have really had a chance to absorb exactly that comprehensive methodology.

So at this point, I think that it is incredibly important that we make sure that we do not miss any opportunity to preserve and protect the reserve fund that could ultimately pay off an unfunded liability that is estimated to go between \$1.8 and \$2.3 billion.

Mr. Speaker, I would ask the members who support retaining physicians in the Commonwealth to vote "yes" on the Perry amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Maher.

Mr. **MAHER**. Thank you, Mr. Speaker.

The amendment before us is perhaps the most important amendment in this entire legislation because it recognizes the difference between rhetoric and duty. There has been a lot of talk about a surplus in the Mcare Fund that certain people are proposing to go out and spend. At the same time, we know there is really a liability of over a billion dollars.

Now, to put it in context, I think if our constituents at home had \$100 in their checking account and owed \$10,000 on their credit card, they probably would not hold a family meeting and say what should we do with the surplus. There is no surplus. What there are, are some unpaid bills and there is some cash on hand that is to be used to pay those bills. Now, instead, this legislation, or what the gut-and-replace amendment that was introduced at the deadline today would propose to do, pretends that there is actually money that is free and clear. There is no such money.

The money that you are talking about here is already owed. The debt has got to be paid. And to call that a surplus is simply to have funny accounting, that is not really very funny when the debt collector shows up at the door, and that debt collector will be at the door.

So please, be honest. There is no surplus to be taken care of here. There is a debt that remains to be paid.

Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Representative Steil, rise?

Mr. **STEIL**. Thank you, Mr. Speaker.

The gentleman from Luzerne County referred to a comprehensive or omnibus amendment, which I believe is A06103. That amendment will probably rule out—

The SPEAKER. Would the gentleman state his point of parliamentary inquiry.

Mr. **STEIL**. Yes. The inquiry is, how many amendments currently filed will be out of order as a result of the introduction of A06103?

The SPEAKER. That depends on when it is considered.

Mr. STEIL. The question, Mr. Speaker, is that these amendments need to be redrafted to A06103, and what is the timeframe for doing that?

The SPEAKER. The appropriate procedure for the gentleman's parliamentary inquiry to be responded to is when the gut-and-replace amendment, or when the amendment, the omnibus amendment, is proffered, then the Chair would make a determination on an amendment-by-amendment basis as to whether the replacement amendments were in order.

Mr. STEIL. Mr. Speaker, my concern is that if we are considering a lot of amendments now, they will already be in the bill at the time A06103 is considered. There will not be an opportunity then to redraft those amendments because they will already have been adopted.

The SPEAKER. The sequence of the amendments will give rise to the consideration of the replacement amendments.

Mr. STEIL. I am sorry, Mr. Speaker. I do not understand that.

The SPEAKER. The sequence of amendments as they are offered, we will continue going through the amendments in the order. The Chair cannot effect when that other amendment is being offered. So we will continue doing amendments, and the effect of the replacement amendments will be determined by that sequence.

Mr. STEIL. So does that mean then, Mr. Speaker, that we go through the amendments, the amendments are accepted or rejected, and when A06103 is adopted, all of those who have previously offered amendments that may have been accepted or rejected will still have the opportunity to refile those amendments?

The SPEAKER. No; that is not correct. This happens with every bill. Every amendment that is offered has an effect on amendments that have been offered and amendments that will be offered, and the Chair can only make a determination as we move through that sequence of amendments as to the effect of the amendments that are in the bill and those that would be appropriately redrafted as replacements, and the Chair cannot give a further explanation except as we press through that sequence.

Mr. STEIL. So then the proper sequence for members who want to offer their amendment, they should have them redrafted now to amendment A06103 so that they can be offered at the appropriate time?

The SPEAKER. Individuals can pursue any option they wish.

Mr. STEIL. Thank you, Mr. Speaker.

The SPEAKER. Representative Killion.

Mr. KILLION. Thank you, Mr. Speaker.

I rise in support of the Perry amendment. You know, we often have some debate in the House whether or not doctors are leaving Pennsylvania, and I, for one, happen to believe they are. But this amendment is even more important because it is about doctors coming to Pennsylvania. Currently, as a student leaves med school and has to make a decision on where they are going to practice medicine, we want them to stay in Pennsylvania.

We have many great medical schools here in the Commonwealth, and it is a fact that now, less and less and less of those graduates, when they graduate, choose not to practice in Pennsylvania for a multitude of reasons, but one of the most important reasons is the problem with medical malpractice insurance premiums in the Commonwealth. But even more

importantly, those brand-new, young men and women, those brand-new doctors leave school, and if they decide to stay in Pennsylvania, they immediately are burdened with the liability in the Mcare Fund, which exceeds a billion dollars. This amendment will pay that liability down.

Let us keep these young doctors in Pennsylvania. We all know the average age of doctors in Pennsylvania now is approaching 50 years old. We need these doctors to take care of our kids and our grandkids. Vote "yes" on the Perry amendment.

The SPEAKER. Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I just wanted to speak very briefly on the Perry amendment and offer my support for it as well. We have heard all this great talk about access to health care and we need to make it more affordable. The reality is this: If we do not keep this in place, we will not have doctors. Access will not matter because we will not have anybody to man the post.

The reality with the Mcare Fund is that we have got an unfunded liability out there. I realize the statute of limitations might be 2 years for medical malpractice cases, but when you add in the fact that minors can still sue after the age of 18, that moves it out to 20 years – 20 years of unpaid bills. This is an insurance fund. It, by its very nature, builds a cash reserve to pay off future debt. We should keep it and should use it for its original purpose. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I have, I guess, a parliamentary inquiry. I am concerned about whether or not amendment A04850, in the event that this amendment would pass, because I am looking ahead at some of the other amendments to follow, I am particularly interested in amendment 06103. Would 06103 be out of order because 04850 passes?

The SPEAKER. The amendment would be in order.

Mr. PALLONE. Amendment 06103 would still be in order regardless as to whether or not 04850 passes or not, correct?

The SPEAKER. Correct.

Mr. PALLONE. Thank you, Mr. Speaker.

The SPEAKER. Representative Turzai.

Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Perry amendment. I think what the gentleman, Representative Perry, is trying to do is keeping faith with the original intent of the Mcare Fund. You know, Mr. Speaker, there is a tendency here in Harrisburg and here in the Capitol, every time we have a pot of money that has a couple dollars that has accrued in it, that we raid it for the next great cause or the next big project that we want to undertake.

Mr. Speaker, the Mcare Fund was put there for one purpose and one purpose only, and that is to deal with the medical malpractice crisis that this Commonwealth faced just a couple years ago. Now, Mr. Speaker, the money that has accrued in this fund, or should I say the money that was not transferred by the administration into this fund, had it done so, or had it been transferred, and were we able to transfer it now, Mr. Speaker, the physicians that paid 50 percent and still pay 50 percent of

their Mcare liability and did not have it all abated, they would be paying much less than they are right now.

So, Mr. Speaker, this money has accrued at the expense of our medical community, of our hardworking physicians who have struggled to maintain their practices here in the Commonwealth of Pennsylvania during some very, very difficult times with the medical malpractice crisis.

So, Mr. Speaker, I think Representative Perry has the right idea to create this reserve account and to make sure that this money is protected, protected for the original purpose of Mcare, and we keep faith with the medical community by voting for this amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Boyd, for the second time.

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, I rise with a bit of trepidation and concern over the fact that it appears that our colleagues across the aisle are promising us that the Mcare issue is going to be dealt with by an affirmative vote of this chamber on a subsequent amendment and for that reason that we should not really vote for the current amendment, the Perry amendment, that is before us.

I guess the one thing, one of the things I have learned in 5 years here is you really do not know what the vote is going to be until it is counted. And so I guess what I am trying to get at, Mr. Speaker, is that I would recommend that those members on both sides of the aisle that have a concern about the financial stability of the Mcare Fund, that have a concern about the exodus of physicians that are leaving our State in droves, that have a concern, Mr. Speaker, about the OB-GYN (obstetrics/gynecology) crisis and the hospitals that are closing, Mr. Speaker, for those members who are truly concerned about health care, that they would put up an affirmative vote on this amendment, and I say that, Mr. Speaker, because if the subsequent amendment goes in, it would supersede this amendment, correct, Mr. Speaker?

So is that a correct statement? If this amendment goes in and then the other amendment is passed later, this amendment is invalid, or how would that work, Mr. Speaker?

The SPEAKER. Is the gentleman stating a point of parliamentary inquiry? If he is, will he state—

Mr. BOYD. It appears that I have led into that. Yes, Mr. Speaker. Point of parliamentary inquiry, Mr. Speaker.

The SPEAKER. If the gentleman will raise a point of parliamentary inquiry and state that point.

PARLIAMENTARY INQUIRY

Mr. BOYD. A point of parliamentary inquiry, Mr. Speaker.

If the Perry amendment goes in and subsequently amendment 6103 would go in, would that make the Perry amendment invalid, out of order? Would 6103 supersede the Perry amendment?

The SPEAKER. The Chair's view is that the subsequent amendment would prevail.

Mr. BOYD. The subsequent amendment would prevail?

The SPEAKER. Yes.

Mr. BOYD. Okay. Thank you, Mr. Speaker.

You know, based on that analysis, Mr. Speaker, clearly it would be appropriate and fully appropriate to put up a positive vote for the Perry amendment, because clearly this chamber has an obligation to make certain that we are concerned about the solvency of the Mcare Fund. It is absolutely essential when we

start to talk about health care, Mr. Speaker, I do not care what kind of program or plan that we end up putting together, if we do not have doctors and we do not have providers to deliver that health-care system, the best plan in the world will be useless.

So frankly, Mr. Speaker, retaining our physicians and taking care of the physicians, providers, the doctors, the nurses, the nurse midwives, the OB-GYNs, those high-risk specialties, it is absolutely essential that we keep them practicing in Pennsylvania, and the Perry amendment is a foundation. It is truly a keystone in maintaining that reserve fund so that we can tell our future physicians that that unfunded liability will be taken care of.

And so for that reason, Mr. Speaker, I ask for an affirmative vote on the Perry amendment.

The SPEAKER. Will the House agree to the amendment? Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I want to compliment the maker of the amendment, the gentleman from northern York County and part of south-central Cumberland County, Mr. Perry. I have heard from many of the doctors in my area – and I have a hospital in my area; it is Carlisle Regional Hospital, it is called; it is actually located in the gentleman from northern York's district now, in South Middleton Township – about a concern they have had for, I do not know, probably a year, about this, having to pay this Mcare. I was told by the president of the Cumberland County Medical Association, who happens to be someone that I know socially and I think my wife, maybe some members of my family, he might have treated them also. So both sort of professionally and personally I know him. And he said that in our area, in my area, in Cumberland County, and I know I have fellow members from that delegation, if this is not taken care of – and I know it was supposed to be taken care of in December, pushed off for 90 days – the general practitioner, sort of the family practitioner in Cumberland County is going to have to write a check for \$12,000; boom, \$12,000. And some of the higher-end are going to have to write a check for \$24,000. And this is money that is going to have to come from somewhere that they do not have. That is going to have to come from their patients. That is going to have to come from increased health-care costs, and we are all talking about how we are going to try to save costs, that the health-care costs are going through the roof.

Well, if we fail to do this, we are going to increase the costs. That is per doctor in my district. That is a lot of money; \$24,000 is a lot of money to have to write a check for in order to solve this, what I consider to be a crisis that has been created by the Governor. He has created another one of these crises where all of a sudden we have to do something. So as I understand it— And I have talked to some people in this chamber that are a lot smarter than I am about this thing. I was just speaking with Representative Schroder. He is an expert in this medical malpractice area. He has been a leader since I have been here on this matter. And he was explaining to me sort of how the Mcare works with the medical malpractice. I am not sure if I fully understand it, but I know the impact that I have been told by my doctors, that it has to be taken care of, that we have to do this. So Representative Perry has stood up and offered this amendment to do it, to take care of it. And then I heard one of the leaders from the other side say, well, vote against the Perry amendment. Do not take care of the doctors in Pennsylvania,

because we have something else coming up. The Speaker referred to it as a gut-and-replace amendment.

I have not had a chance to look at that gut-and-replace amendment. I do not know how many other members in the House have had a chance to take a look at that gut-and-replace amendment that they are promising is going to take care of this issue. All I know is I have an amendment right in front of me, the Perry amendment, that takes care of the doctors in my area, that keeps health-care costs down in my area, that keeps people having access to very good medical care in my area. Whether you are rich, poor, middle-income, it does not matter. They treat everybody that comes in there. They are great doctors, great nurses, great medical technologists in my area, and this Perry amendment is supposed to help them.

So I would encourage those people in this chamber that want to address this issue, as I understand this amendment will do, to ensure that we have good medical care here in Pennsylvania and we are not increasing the cost, to go ahead and vote affirmatively for the Perry amendment.

Thank you very much, Mr. Speaker.

The SPEAKER. Is anyone seeking recognition on the amendment?

Does Representative Perry wish to be recognized for the second time? Representative Perry is in order.

PARLIAMENTARY INQUIRY

Mr. PERRY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask to temporarily go over this amendment.

The SPEAKER. For what purpose does the gentleman want to go over the amendment?

Mr. PERRY. Thank you, Mr. Speaker.

I would like to temporarily go over the amendment so I can have it redrafted to A06103.

The SPEAKER. The gentleman will approach the rostrum.

The House will be at ease.

(Conference held at Speaker's podium.)

The SPEAKER. The House will come to order.

The gentleman, Representative Perry, has asked a point of parliamentary inquiry that he will be able to go over his amendment temporarily. The ruling of the Chair is, the custom of the Chair has been to allow a member to go over – will members please pay attention – the custom of the Chair has always been to allow a member to go over an amendment temporarily, but the ruling of the Chair has always been consistently to allow the majority leader to set the agenda for those amendments and not to allow a member to choose to hold his amendment until the end of the business on that amendment.

And that is the ruling of the Chair. A member can ask for a bill to go over temporarily, but he does not preserve the right to have that amendment go to the end of the business on that amendment.

RULING OF CHAIR APPEALED

Mr. S. SMITH. Mr. Speaker, I would challenge the ruling of the Chair. Mr. Speaker, I challenge the ruling of the Chair

because of the fact that the omnibus amendment that was filed at a couple minutes before 2 circumvents rule 21(d).

The simple fact is, Mr. Speaker, that the purpose was to, of that rule 21(d), was to preclude gut-and-replace amendments from wiping out all the previous amendments that were considered on the House floor. Therefore, the sum and substance, Mr. Speaker, of how the amendments have been filed to this bill, if you follow the ruling of the Chair – and I would admit, Mr. Speaker, that prior sessions, that was the case. However, in prior sessions, Mr. Speaker, we did not have the same sort of 24-hour rules relative to the filing of amendments, and we certainly did not have the intent of rule 21(d), which was to preclude gut-and-replace amendments from wiping out the other amendments that may have been considered. The bottom line is, Mr. Speaker, we could consider several of these amendments to SB 1137. Many of them could pass. Members may be somewhat for them. However, at the end of the day, if the gut-and-replace amendment passes, then those amendments are all wiped from the bill. They are stricken from the bill.

Therefore, Mr. Speaker, I would suggest that given the nature of the rule and the intent of the rule, that a member should be afforded the opportunity to ask for their amendment to be temporarily over, at such time as we see if the gut-and-replace amendment even passes – we do not know that it does – and that we should have that ability, especially in light of the intent of the rules that were developed by the Speaker's Commission.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Thank you very much, Mr. Speaker.

I think that our parliamentary mechanisms are crafted in order to give us some fluidity and some predictability, and I would never anticipate if I were privileged, and I was at one time, privileged to be a minority leader, I would not have attempted to supersede the prerogatives of the majority floor leader. Although it is our tradition and custom that the Speaker is in charge of the floor activities, the scheduling of the bills and the scheduling of the amendments during my almost 33 summers in this building has been reserved for the majority leader.

There are inherent tactical advantages to the majority. They are oftentimes evanescent, and oftentimes, at least with 102 to 101, gossamer-thin. We are privileged momentarily – and I certainly will never be smug with a 102-to-101 majority – to have the opportunity to advance our proposal on health care.

The Republicans have eight gut-and-replace amendments. The honorable gentleman who proffers this suggestion would potentially be followed by eight other people who could get up and ask for a similar postponement.

I think that we are being reasonable. We are conforming with our rules and procedures and customs. In all the years I have been here, I do not ever remember a minority leader attempting, even politely and respectfully, to supersede against the majority leader's opportunity to control the flow of bills and amendments.

So we are going to ask respectfully that our Democratic members contravene Mr. Perry's effort and vote to sustain the ruling of the Chair.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Smith, has appealed the ruling of the Chair. The question is, shall the decision of the Chair stand as the judgment of the House?

On the question,

Shall the decision of the Chair stand as the judgment of the House?

Mr. S. SMITH. Mr. Speaker, on that question?

The SPEAKER. The Chair recognizes the minority leader.

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, I understand the comments that the majority leader just made, and I would, in fairness, say that in past times that would be consistent. I would probably challenge the fact that I remember a time in my tenure when the minority leader was in fact overriding, through these types of procedural challenges, the dictates of the majority leader. It was towards the end of the Gov. Robert P. Casey administration, if my memory serves me right, and I cannot remember specifically, but I do recall a point in time where for – as a matter of fact, for the virtual part of several weeks, the Republican leader in the minority did just that.

The fact is, Mr. Speaker, that at the end of the day, one rule that normally dictates the actions of this House is the rule of the majority, 102 votes. What I am suggesting here, Mr. Speaker, is that the effect of the Speaker's ruling has clearly circumvented the intent of the rules and that was that each member would have an opportunity to have their amendments heard, to have their amendments debated, to have their amendments considered, and that they would not be subject to the last amendment of the day that would gut and replace all of that previous work. That was the intent, I believe, of this rule, and that is what this ruling, I believe, circumvents.

The bottom line is, Mr. Speaker, we have worked, the Republican Caucus has worked very hard to assemble a plan that addresses the health-care and health insurance issues that would drive insurance opportunities to the uninsured. We have a plan that would go significantly to that final goal to provide health care, affordable health-care insurance options to the people of Pennsylvania. What the majority is attempting to do is to, in essence, deny our members a fair chance to amend that into the plan that the majority chooses to put forth.

I think, Mr. Speaker, bottom line is that in the rules that were established at the beginning of this session, that were significantly different than many, for all of the years before that any of us recall, that these are one of those other hurdles that we have to cover. But, Mr. Speaker, the bottom line is, it circumvents the intent of the rule clearly, and I believe that a member should have the opportunity to amend the bill as it was intended.

Thank you, Mr. Speaker.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The majority leader, Representative DeWeese.

Mr. DeWEESE. What we have here is not a failure to communicate. What we have here is a clash of two customs – the custom of a member to temporarily go over a proposal and the custom of the majority to control the calendar and the sequence of bills and amendments.

I would also proffer that on page 19 of our rules, rule 21, section (d), the first two lines, "In cases where an amendment alters a bill so as to effectively rule out of order an amendment

which was timely filed..." et cetera, et cetera, be looked at again by the rank and file, by the Parliamentarian.

I do not believe that we have reached that point. I believe that the ruling of the Chair is appropriate, and again, it is a clash of two customs. This is our parliamentary setting, and I would ask that we sustain the ruling of the Chair.

The SPEAKER. Representative Steil.

Mr. STEIL. Thank you, Mr. Speaker.

When the Speaker's Reform Commission was put together, one of our objectives was to ensure that all members had the opportunity to offer their amendments and to offer them in a manner that would not be superseded by some other amendment.

Now, it had been the practice that where amendments that significantly altered a piece of legislation where it was offered, those amendments were offered early so as to ensure that other amendments could not be offered. When we changed the rule, as the recommendation of the Speaker's Reform Commission, we changed the rule to ensure that would not happen. And as the majority leader has just said, this is a clash of two customs. But there is something very important happening here, and that is, for the first time in all my years here, the Speaker is denying the right of a member to direct the progress of their own amendment, the right to go over an amendment, and the purpose and the reason for doing that is to ensure that members do not have the opportunity to offer their amendment, which will be superseded by a later amendment. They will not have the opportunity because we are forcing a vote on that amendment. Once that amendment is voted "yea" or "nay," it is gone. It cannot be redrafted to the coming omnibus amendment. And that is a huge change, and it is absolutely a violation of the intent of what the Speaker's Reform Commission put forth when we adopted the rule change 21(d).

So because of all of those reasons, Mr. Speaker, I am asking that the members oppose the ruling of the Speaker and ensure that the traditions of this House are upheld and that every member has the opportunity to offer their ideas to any bill that we should propose. If we change that, then this is no longer a House in which every person has an equal opportunity, it is a House that denies some members the right to offer their ideas.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Representative Steil, is in error. This has been done before: "The SPEAKER pro tempore. The Chair has been instructed by the majority leader to run the packets in order at this point. If the gentleman wants to take an amendment out of order, he might better check with the majority leader's desk. We will go over this amendment temporarily and come back while you do that."

This is not the first time this has been done. The Chair corrects the gentleman. It was also done in 1984.

Representative DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The honorable gentleman who just spoke, and who was a preeminent architect in the restructuring of our rules in recent months for the better, he and Joshua Shapiro, led a good team of 24 of our members, and they made vast improvements.

I will say that the end objective that the honorable gentleman from Bucks was looking for can still be obtained. All he needs to do at the end of the amendment debate, and that will take a long time today and tomorrow and who knows how long, but the membership will be able to debate amendment after amendment after amendment after amendment.

And it should be recollected that when the former Speaker and the former majority leader were in charge of the process, we would not have had the chance to debate these amendments. It just would not have happened. So we are going to be able to debate all these amendments, and if my honorable colleague who just spoke does not feel comfortable with the end product and he is able to garner 102 votes, he will prevail, and his perspective on health care will prevail. So there are alternatives to our obvious advance.

We do not have to guarantee, or we cannot guarantee a victory. We can only guarantee that as a very slender majority of one, that we will have the opportunity tactically on the floor as we have for decades and decades, to proffer amendments and bills from the majority leader and the majority leader's team, Mr. McCall and our staff complement in the order that we think is advantageous to the public goals and the general points of view that we want to convey.

So nothing, nothing is foreordained. The honorable gentleman can arrive at his optimal conclusion with 102 votes in this setting. God bless America. Who knows, he may have 102 votes. We certainly hope not. Thank you.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. Representative Smith.

Mr. S. SMITH. Mr. Speaker, just prior to the majority leader's last comments, you had made a statement. I apologize; I did not hear it, but I thought it was relevant to this debate. I apologize. I would ask, could you possibly repeat that and what you were making reference to? I just simply did not hear you.

The SPEAKER. The Chair read from the Journal of Wednesday, June 12, 1996.

Mr. S. SMITH. Could you please provide it for me, if you would, please?

The SPEAKER. "The SPEAKER pro tempore. The Chair has been instructed by the majority leader to run the packets in order at this point. If the gentleman wants to take an amendment out of order, he might better check with the majority leader's desk. We will go over this amendment temporarily and come back while you do that."

Mr. S. SMITH. Thank you, Mr. Speaker.

The SPEAKER. Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I would urge that we overturn the ruling of the Chair, and I would ask the members to think very carefully about what is happening right now, particularly the newer members. What is going on is we are creating a new tactic and a new style here, and so therefore, this ruling is very, very important. What will happen in the future if this is established is amendments being put in at 1:59:30. That tactic will then be used against all the members who have amendments prior to that.

And the point of our changing the rules for gut-and-replace was specifically to allow members to actually have influence over legislation. This tactic will be used and will be successful in stopping that from happening. It will reverse the intent of the change in the rules that you all have voted for. And what can be used against the minority today could be used later against the opposite party when they go into the minority. It is a tactic designed to stifle the will of those members who wish to amend bills.

And I strongly urge you to think carefully and overturn this ruling so that members will have a day to have their debate on their legislation and on their amendments in a timely fashion,

when it is meaningful. I think you will really appreciate that in the long run, in terms of getting a fair hearing for your points of view. Thank you.

The SPEAKER. Representative Maher.

Mr. MAHER. My distinguished colleague from Greene County repeated many times earlier this year that he had caught the caboose of the reform train. With this attempt at manipulation, he has clearly decided to not even pretend to be climbing on to the caboose.

Quite clearly, a critical reform out of the bipartisan Reform Commission was to ensure that all members could have amendments considered. We have seen time and again even members on that side of the aisle suffer under the cudgel of going askance of your leadership.

Now, those who did not serve before this session when the new rules were adopted and have served since perhaps back when I think the entirely irrelevant reference to 1996 was raised, a reference under the old rules that did not have this important provision for corrective drafts of amendments, that to cite that as precedent, to cite something that was done under rules that we all agreed were bad rules and changed, to go back and cite that as precedent with a straight face is astonishing. But be assured if you vote for this today, when you run afoul of following lockstep with the orders that come out of your front office, that your own amendments will be crushed. They will now have a tool that you will have given your leadership to punish you.

Now, under the Constitution, every member has a right to be recognized. I think that is also true that every member has a right to choose not to be recognized. This notion that someone other than you gets to decide whether you are offering your amendment at a moment in time is absurd. That is your right. Now, what has happened in the past is a provision that if multiple members are seeking recognition simultaneously, the Chair is able to select the order in which they will proceed. But if a member is not seeking recognition for their amendment at a point in time – and you will notice our rules do not talk about these amendments actually being introduced or being proposed or a member being recognized under this – the rules about timing are about filing the amendments. About getting recognized though, that is up to each and every one of you if you want to be recognized to offer an amendment.

With this bizarre ruling, it is saying that you do not have a right to choose not to be recognized at a point in time, that you do not have the right to decide when you want to make a motion. It is absurd; it is absurd.

And I would like to point out to the Chair that if there is something that is not in our rules, that if he looks at Mason's Manual, he will find a provision that amendments – the top preference is that amendments be considered in the order in which they affect the bill; those that affect the bill at the front starting first and working their way back. Now, that is not a practice that we have relied upon, but if there is any question about which way to consider these amendments, I would suggest that we look at the top preference in Mason's Manual, in which case a gut-and-replace amendment would always come first, which would preserve your right to choose to be recognized to offer your amendments.

Now, some folks are bound to say, well, things did not happen this way in the past, and that is true. That is why we changed the rules. I believe everybody in here voted to change the rules to ensure that you would have an opportunity to offer

amendments that are actually relevant and not be ruled out of order through some parliamentary high jinks.

So if you vote to sustain this, when the day comes that your own leadership tells you that they are going to banish and punish you and start destroying your amendments, you will have empowered them to do it. So if you want to give more power to your leadership over yourselves, well, then by all means, but if you want to preserve the little bit of dignity that they allow you to choose what you are going to support or not, I would suggest that you vote to sustain the reforms that we embraced and not be one of those who are leaping off their caboose of the reform train.

Thank you, Mr. Speaker.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Two quick points.

I would disagree with the gentleman's vocabulary "parliamentary high jinks." We are not disobeying our rules. We are following traditions that Matthew Ryan, John Perzel, other Speakers held when it came to a packet of amendments, a packet of amendments.

Unlike – and my friend might not want to hear it – but unlike the olden days, every single one of you, if you offer an amendment, will have a chance to debate that amendment. You will have a chance to debate it for 5 minutes or longer, an hour; I do not care. You will have that chance. We did not have that chance. So we have made exponential enhancements in our rules thanks to a variety of good people on both sides of the aisle. We are following the rules. What we have is a clash of customs.

Does the majority leader's team have a chance to put things in the order they want to, to, admittedly, their tactical advantage, or should we acquiesce to someone who is obviously trying to stymie our agenda? We are trying to give people of modest means health care in this State.

We believe that our plan is worthy. We believe that most of you will give strong consideration and some of you will vote for our plan, but for us to get our plan teed up, we would like to maintain the tradition that the majority leader have the chance to put bills and amendments in an order just like Matt Ryan did, just like John Perzel did, just like many other Speakers have done for as long as I can remember. This would contravene a tradition that certainly inures to the tactical efficiency of running this floor.

I would ask that Mr. Speaker's ruling be sustained. Thank you very much.

The SPEAKER. Representative Schroder.

Mr. SCHRODER. Mr. Speaker, I think we need to ask ourselves, are we following the rules or are we vitiating the rules here this evening?

Mr. Speaker, we just heard the majority leader say a whole lot of arguments that I would argue contained a lot of red herrings. Mr. Speaker, we are not talking about ordinary amendments here. We are talking about last-minute gut-and-replace amendments, the exact kind of amendments that the work of the Speaker's Reform Commission intended to address, the exact kind of amendments that we in fact changed our rules to prevent, yet here we go, Mr. Speaker, taking a real step back into time as if our entire Reform Commission process and the rules that were changed of the House no longer exist or perhaps never existed. We hear lovely recounting and stories of customs that governed the House. Well, Mr. Speaker, these customs, I would argue, are a bit out of date now that

we changed the rules to prohibit the impact of last-minute gut-and-replace amendments.

Mr. Speaker, I would argue it is an abuse. It is an abuse of the legislative process. Whether you control the process or we control the process, it is an abuse to file a last-minute, 1 or 2 minutes before the 2 o'clock deadline, gut-and-replace amendment so that other amendments either will not be considered or will not have a fair chance to be placed into the legislation and into a bill.

Mr. Speaker, I believe that sustaining this ruling means that we go back to the bad old days, the bad old days where leaders rule the process through gut-and-replace amendments. Mr. Speaker, we have worked too hard and we have come too far to allow that to happen.

So I ask everyone to take a step back and realize the full impact of this ruling and what we are being expected to do here. I wholeheartedly support the appeal of the Chair and urge that it is an absolute necessity that we reverse this ruling and that we go back to the true intent of our rules as amended earlier this session by this House.

Thank you.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. My honorable colleague alluded to the fact that the entire work product of the Rules Reform Commission was being vitiated. That is just not so. The lion's share of everything that we did to reform the chamber is working very, very well.

I might also add that we are conforming with the rules. These amendments were filed before the 2 p.m. deadline, and I would also add that a couple of Republican amendments were timely filed on to the Eachus amendment. So the rules seem to be working very favorably.

I would end my response to the honorable gentleman by saying, just like I said to the gentleman from Bucks, if the work product on health-care reform that the Democrats are offering is not acceptable, then the obvious vote tally will not give us 102, and your ability at the microphone and in the debate setting during the amendment debate will be very, very productive and very helpful to the body politic both in this room and outside.

Historically, we as a Democratic minority for 12 years would not have a chance to amend even in the Rules Committee because the Rules Committee never met. The Rules Committee would be pronounced here in the well and then a gut-and-replace amendment would take place.

I was the person that was privileged to go before Mr. Steil and Mr. Shapiro and the members of the commission and suggest that gut-and-replace efforts by the Rules Committee be no longer allowed. All Republican amendments for the next day or two or into next week or however long it takes will be vetted. You will have a chance – not vitiated; they will be vetted – you will have a chance to debate and show the efficacy of your points of view.

The tactic that we have chosen – and it is a tactic; this is a debating arena, and we are momentarily privileged to have a very slender majority – but our health-care idea that is evinced by Mr. Eachus and Mr. DeLuca and their teams is either going to withstand the excitement of this debate or it will fall, but do not give us any crocodile tears. If you are able to engender a little bit of help on this side, you will prevail with your position, but just like the Speaker reiterated a couple of times, when Matthew Ryan was at that dais, he said there are a packet of amendments and they are in this order and this order. It never

entered our minds to try to countervail the majority leader's opportunity to carry things in debate in the sequential order that the majority leader decided. It never entered our mind. Why it does today, I do not know.

I would ask for an affirmative ruling as we indicate our identification with Speaker O'Brien's ruling.

The SPEAKER. Representative Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

I am really trying to understand this. First I watch a member— If I am correct, before you had to make your decision, a member was offering an amendment and said it was the wrong amendment, went to another amendment and said that was the wrong amendment. Let us go back to the original amendment that I said was the wrong amendment. Then he realizes that there is another amendment that, if his amendment passes, will eliminate his amendment if the other amendment passes, so therefore, he wants to take the time to have it redrafted to the other amendment, even though other members found time to draft their amendments to this other amendment that he is scared of.

And I do not understand how someone can all of a sudden dictate, dictate that he does not like the place where his amendment was when he was originally going to offer it. He has decided, I do not like the place or the order that it is in. I want it someplace else. I think that is unfair to the Chair when other people have followed the rules.

No one is saying that the rules were not broken in any kind of way. This is a fair and open process. Other people had time, and again they did it. So I am trying to figure out how many different times that we have to do it. And you out of courtesy, Mr. Speaker, gave him time, even if there was a problem with his amendment according to this bill now, not according to the other amendment that he is scared of was offered.

So I am kind of lost, and I am going to support your decision on it because it does not seem like the gentleman could really make up his mind in the first place. Thank you.

The SPEAKER. Representative Scavello. The Chair thanks the gentleman.

Representative Dally.

Mr. DALLY. Thank you, Mr. Speaker.

In listening to this debate this evening – I was on the Speaker's Reform Commission, and I sat through hours and hours and hours of debate on the various rule proposals that were eventually developed – I heard what the Republican chairman of the Reform Commission said, and that is sort of my recollection.

What I would like to do is I would like to hear what the Democratic chairman's recollection is. So I would like to interrogate the Democratic chairman of the Reform Commission. Is he on the floor?

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. There is no indication that someone will stand for interrogation at this point.

Mr. DALLY. Well, Mr. Speaker, I think it is very important that we have not heard from anyone on the other side of the aisle that was on the Reform Commission.

Mr. DeWEESE. A point of parliamentary inquiry.

Mr. DALLY. Mr. Speaker, does the majority leader interrupt everyone that speaks on the House floor? I think we have listened to him enough this afternoon.

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

The floor leaders enjoy considerable latitude from the Chair to rise as they choose, whether it is the majority or minority leader.

Representative Dally, did you want to speak?

Mr. DeWEESE. I do not want to subject my honorable friend from the Lehigh Valley to any more of my observations right now. I was just going to ask the Chair a parliamentary question. I think it has almost been solved. So thank you, sir.

The SPEAKER. Representative Dally.

Mr. DALLY. Mr. Speaker, I guess if the Democratic chair of the Reform Commission will not stand for interrogation, I think if— Maybe he will.

But, I mean, what this maneuver has done is definitely violated the spirit of what that Reform Commission adopted in our rules. This reflection back in the past, I thought this was a new day. I mean, I think I may have heard the majority leader say that when he jumped on the caboose. But certainly this violates the spirit of everything we worked for in terms of the rules that were adopted by this House to have debates on issues, and I am waiting to hear from my colleague from Philadelphia, who was also on the Reform Commission. I would like to hear her thoughts on it. So I will reserve further comment until after she speaks.

The SPEAKER. Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the ruling of the Chair and ask the members to do so.

I realize that this has been a new term for us operating under these new rules, but it appears to me that everybody's recollection of what happened and what the intent was and what the spirit was is a little bit different.

I am comfortable with the ruling of the Chair, and I would like to explain why. I agree with members that right now we have before us a decision which ultimately becomes, is it within the power of the majority leader to set the agenda before the House or has that power been superseded, diminished, or altered by any of our rules?

Now, the rule with regard to gut-and-replace amendments in my recollection was to stop a gut-and-replace amendment that squelched, ruled amendments out of order before members had an opportunity to even have their idea heard, and our past practice was a gut-and-replace amendment came up first that usually came out of Rules Committee, and then everybody else had absolutely no option and no alternative to even let their voice be heard. But prior to our new rules, it was always the rule of this chamber, still is the rule of this chamber, and I do not believe that any new rules change the following practice.

If an amendment went into a bill and then a subsequently offered amendment came before this chamber that might knock out that earlier amendment, it was always the decision of the members sitting on this floor, do I like the first amendment and therefore want to vote "no" on the second amendment so the first amendment stays in or is the second amendment a better idea? And I voted understanding that if I voted "yes" for that second amendment and it was successful, I was making a decision or we were making a decision as a chamber that the second amendment was a better idea.

The difference is that here— I do not think there is a difference here in that. I think the difference is, does the member who is offering an amendment have an opportunity to be heard? The amendment that was before us prior to this parliamentary motion had an opportunity to be vetted on this

floor. We debated it. We debated its pros; we debated its cons. That would never have happened under the old rules, but it happened here today. It happened here today, and we do not know yet whether members were going to as a collective body vote "yes" or vote "no" for that, but the members were going to have the opportunity. And if that amendment, which was the first amendment we considered tonight, goes in and any one of the 5, 10, 15, 20, or 40 amendments that are going to follow may overrule all or part of that amendment, we as members have a decision. Our decision is, did we like the first amendment better than the second amendment? If so, vote "yes." If we like the second amendment better, vote "yes" on the second amendment with full knowledge that you are ruling out of order the earlier amendment, but make no mistake about it, the earlier amendment was heard on its merits. That is my understanding of what the Reform Commission was trying to do.

The Reform Commission was not trying to say the majority has no power to set the agenda. The Reform Commission was trying to say, members have a right to have their idea heard. I see nothing in this process— Granted, the majority came up with a great way to make sure their idea is heard last because the majority thinks their idea is best, but the majority is not taking away the right of any member on this floor to have their idea heard and to have their idea receive a vote. All you need in order to receive the vote and win the day is the majority of the votes, and we have yet to figure out how that is going to happen by the end of this piece of legislation.

I think it is perfectly appropriate, and members of this chamber, regardless of how you felt from the beginning to the end about the Reform Commission or the new rules, I at least feel, in good conscience, that I am comfortable with the procedure we are doing today and that it is a proper thing to ask this chamber to vote "yes" to affirm the Chair's decision.

The SPEAKER. Representative Grell.

Mr. GRELL. Thank you, Mr. Speaker.

I will be brief. As a member of the Reform Commission, I thought it would be appropriate at least for me to add my two cents to this debate. So I rise to encourage my colleagues to overturn the ruling of the Chair.

I echo the comments of some of my colleagues on the Reform Commission. This ruling strikes at the very heart of one of the things we were trying to accomplish through our new rules. The idea was that we wanted to do away with the gut-and-replace amendment, but then we realized that you could not necessarily do away with that tactic, but we wanted to prevent that tactic from frustrating or killing other timely filed amendments.

If the ruling of the Chair is upheld, basically we will be gutting and replacing rule 21, which we all fought so hard and worked so hard to achieve. So on that basis— Certainly I heard the majority leader say that this is a tactic. Indeed it is a tactic. It is a tactic that the Reform Commission wanted to get away from, and that is why we drafted rule 21 the way we did. This ruling strikes at the heart of that, and I encourage my colleagues to overturn the ruling of the Chair.

Thank you, Mr. Speaker.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. With all due respect to the previous speaker, my good friend from central Pennsylvania, gut and replace was discussed about Rules Committee actions. It was not discussed about House activity, and as the gentledady from Philadelphia so

eloquently declared, we have made exponential progress. Thirty or 40 Republican amendments on health care will be vetted for a long, long time during the ensuing days. That would not have happened before.

I heard one of my great friends use the term "vitate." I will use it one more time. We are not trying to vitiate the process. We are trying to advance a health-care proposal that we think will help 300,000 Pennsylvanians who do not have health care. We think our tactic – and they have had tactics in campaigns and in legislative debates since time immemorial – will advance a very good health-care proposal.

But as, again, the lady from Philadelphia indicated, if my honorable colleagues on the Republican side garner enough votes, they will alter to some degree or another the final outcome of the proposal, but for anybody to say that the Reform Commission talked about eliminating a gut-and-replace amendment on the floor of the House is contrary to my recollection. We do not gut and replace in Rules Committee. We have made exponential changes and we have helped our system a great deal. If you were to eliminate the opportunity for the floor leaders – and your day, obviously, will come again someday, hopefully not in the near-term future, but your majority leader should have that chance. Whoever your next majority leader is, she should have that chance; she should have that chance.

The SPEAKER. Representative Nailor.

Mr. NAILOR. Thank you, Mr. Speaker.

I will be brief. It is not my intent to delay the process here, but having spent dozens and dozens of hours and days and days in the Speaker's Reform Commission – and it was a pleasure to do that because people and the Speaker called for change in a bipartisan way, and we did not always agree – we came up with a number of changes that we would like to have seen put in place and several were.

With all due respect to the Speaker and the ruling, I believe this is going to set a new precedent here on the House floor, and it is going to stifle the clear intent of the Reform Commission for openness in the process and for allowing the rank-and-file elected member to participate in the process.

And just briefly, we were told at the beginning of this session that it is a new day, and it should be, and we all agreed when we were sworn in. Now, today we are told, well, this is not the way that we used to do it. It is not the way we used to do it. It is not intended to be the way that we used to do it. The people and the legislators called for change.

I just ask that we vote to reverse the ruling of the Speaker today so that we do not set a precedent that we will be sorry for in the future.

Thank you, Mr. Speaker.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Thirty seconds. The gentleman should always, always, always have the chance to participate, but the honorable gentleman should not have the chance to set the agenda unless he and his party have a majority. And again, I am not being smug. I am smart enough commonsensewise to know that our majority is only of one.

Momentarily we are trying to advance a health-care proposal that we think the other side is trying to alter, and the best way we can get to our objective is through these mechanisms. But as the third time, the honorable lady from Philadelphia said, you will have a chance for almost 40 amendments to be vetted and

vetted again and again. So you are participating. You are just not momentarily controlling the sequence in our agenda.

The SPEAKER. Representative Rubley.

Mrs. RUBLEY. Thank you, Mr. Speaker.

Also as a member of the Speaker's Reform Commission, I am stating that we are at a crucial time in demonstrating that this House is truly committed to reforming the way business has been conducted here.

This is not about going back to past positions and practices but for allowing true reform to be demonstrated on the floor of the House. Please support the reforms that were adopted and vote to override the ruling of the Chair and allow amendments to be debated in a meaningful manner. Vote to override the ruling of the Chair.

Thank you, Mr. Speaker.

The SPEAKER. Representative Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

Several of the speakers have suggested that the ruling of the Chair is somehow setting a precedent that if the majority leader and the Speaker have the right to decide like the order of the amendments being considered, that would be somehow a precedent. Well, I think actually the new process we have, thanks to the Reform Commission, has opened things up tremendously. In fact, if you think about that show on National Public Radio, our debate really has become, all things considered, that we are going to debate 40 or 50 or 57 amendments that have been filed.

Now, let me tell you a story. About 6 years ago when I tried to offer an amendment in the budget process – and I was very careful. This was the year that Governor Schweiker decided that school districts in Pennsylvania should get a 1-percent increase but yet one school district was singled out for an 11-percent increase, and I did not like that and many of you did not like that. I filed an amendment. I tried to make sure my amendment was first. In fact, it was. It was on the list well ahead of other amendments on the same topic. Well, we got to the floor that day – and I was in the minority – and my amendment, which would have evened out those school funding payments so all districts receive the same increase, mine was filed first, but the Speaker and the majority leader at that time decided to go with an amendment by Representative Kelly Lewis of Monroe County, former Representative Kelly Lewis, who happened to be in the majority. Now, I stood up. I thought it was quite unusual they were taking the amendments out of order, and normally you go in order. I stood up and I raised a fuss, and I tried to insist on having my amendment being offered, and ultimately the Speaker, the great Matt Ryan, allowed my amendment to go as long as we called it the Lewis-Samuelson amendment. So we did, and thank you. You guys did vote for it, 166 of you, so I appreciate that.

My point in bringing that up is that was a process where the Speaker and the majority leader were picking which order amendments were going to go in even if they were not filed first.

Look what we are doing today. We are taking amendments in order as they are filed. In fact, if you look at your list that is in front of you, the first three amendments we considered were exactly the first three amendments that were filed. In fact, 7 out of the first 10 amendments that have been filed are made by members of the Republican Party; 3 of the first 10 are by members of the Democratic Party. So our majority leader and our Speaker are taking the amendments in order, and thanks to

our new rules, thanks to the Reform Commission and the important work that was done there, we are actually going to have a debate on those amendments. None are going to be out of order. We are going to take the amendments in order, and that, to me, is an improvement. And so we will have a lengthy and healthy debate, and that is a good thing. I wanted to raise that comment, because it sounded like some of the folks on the other side were suggesting that somehow the debate was being squashed.

I wonder, this long debate over the Perry amendment – Representative Perry probably had no idea his amendment would generate 90 minutes of debate – causes me to wonder whether some folks who are raising the objections are really thinking about another rule that we do not have here but they do have in Washington, DC, and the topic today is health care. I am wondering if some of our fellow Representatives are hoping that we had a filibuster rule, because it sounds like spending 90 minutes on this amendment seems to be the intent.

So I commend the majority leader and the Speaker for taking these amendments in order filed by every single rank-and-file member. I do not think we should go to a system where each of the 203 members has a right to decide where in the process their amendment gets filed. Imagine having all 203 of us have the right to pick the order of the amendments. That would be chaos. We have had the system where the Speaker and the majority leader have decided that order. I appreciate that this Speaker and this majority leader are taking the amendments in order.

Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

A parliamentary inquiry, please.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. BOYD. I was wondering if I could inquire as to what time A6103 was filed, please.

The SPEAKER. I believe it was 1:57.

Mr. BOYD. 1:57? For a member to file an amendment drafted to that amendment, what time would they have had to have that done, please, to have it be in order?

The SPEAKER. We have a 2 o'clock rule.

Mr. BOYD. So the way this was structured, it allowed 3 minutes to have—

The SPEAKER. Or a certificate; or a certificate.

Mr. BOYD. Or a certificate.

So back to the point, it would have provided us 3 minutes to have an amendment filed to the gut-and-replace amendment. Is that correct, Mr. Speaker?

The SPEAKER. It is not appropriate to interrogate the Chair. The Chair has answered the gentleman's inquiry. The gentleman will move on.

Mr. BOYD. Oh, well, okay, Mr. Speaker. I thought it was a parliamentary because I am trying to— I was not here in '84. I do not know all the traditions of the House. I am just trying to know what I should have done to have my amendments considered in a timely fashion so that something like this does not happen again. I need to know within 3 minutes if—

The SPEAKER. The Chair has answered the gentleman's question.

Mr. BOYD. If I can, Mr. Speaker, if an amendment is adopted prior to 6103 being adopted and then 6103 is adopted, that amendment is not valid anymore. That is correct, Mr. Speaker?

The SPEAKER. Will the gentleman state that question again.

Mr. BOYD. If an amendment goes in prior to the consideration of 6103, 6103 is adopted, that amendment is invalid, correct?

The SPEAKER. That is a determination that is made on an amendment-by-amendment basis.

Mr. BOYD. Okay. So if an amendment is voted down prior to 6103 being considered, it cannot be redrafted to 6103 after it is considered. Is that correct?

The SPEAKER. If the Chair understands the gentleman's inquiry, a member has the right to draft another amendment. That would be considered a new amendment, which would require a suspension of the rules.

Mr. BOYD. Okay. So under the rules, the only way to have an amendment redrafted, or if it was voted down, it could be redrafted and to the omnibus amendment, but to have it considered, it would require a suspension of the rules.

The SPEAKER. Depending on the day that it is offered, yes.

Mr. BOYD. Okay. If I can just briefly, now that I understand the process better, speak on it?

The SPEAKER. Yes. The gentleman is in order.

Mr. BOYD. So I guess what I was trying to establish, as much for myself as a relatively new member but especially maybe some of the freshman members that are here, is that what in effect happened is that the majority introduced an omnibus amendment at 1:57 p.m., which would have required any member on either side of the aisle to have an amendment, in order to be considered for that amendment, drafted and a certificate filed in less than 3 minutes' period of time.

Somehow when we were a part of the Speaker's reform movement and everybody was talking about revisions to the rules, I do not believe anybody perceived, conceived, or could ever imagine that the intent would be that you would have to have something done within a 3-minute or a 2-minute period of time. Frankly, if I understand correctly, that amendment could have been turned in at 1:59:30 and you would have had to have other members standing up ready to throw their amendments on top of the amendment on top of the amendment, and of course, I guess at that point in time, if time is not defined as infinite, whose amendment would get in last? How does that process actually work, in effect, if everybody understands that and is there at the amendment desk at 2 p.m. filing amendments?

Frankly, Mr. Speaker, I believe that what I am trying to do is demonstrate the absurdity of what we are trying to accomplish right now or what is being ruled. In effect, what we are doing is we are basically taking all the other amendments that exist other than a couple that were filed to ghost amendments at 1:58 or 1:59, one of which happens to be mine, Mr. Speaker, but the whole point behind it is that we are clearly, frankly, busting out of the debate a lot of people who have a lot of valid amendments to be considered. I understand there are amendments for this bill on both sides of the aisle.

So in the future it will be very interesting to watch how this plays out, based on this ruling of the Chair, to have people

standing at that desk on strong controversial subjects like we are considering right now filing amendments at 1:59:30, 1:59:32, 1:59:34.

Honestly, Mr. Speaker, this is a bit too much for a person like myself to just consider that this is what the intent of our rules and the intent of the Reform Commission was.

Thank you, Mr. Speaker.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Again, the honorable gentleman did not give the entire picture. His amendment was correctly drafted. It was accepted 15 or 20 minutes before the Eachus amendment, and his amendment is going to be considered. If everybody had done what my honorable friend from Lancaster had done, we would not be having this debate.

The SPEAKER. Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

This debate I find a little bit interesting. It kind of reminds me of when I was a kid and was a wrestler. When you had a dispute with another guy, you got the option. We used to call it head or gut. You either took it in the gut or you got smacked in the mouth, not a civil way to deal with things – the point being, you do not have very good options either way, and I think that is what is happening here tonight.

We are trying to tell you that if we do a gut-and-replace in the beginning and eliminate any other amendments, that is a bad thing, but if we allow you to debate your amendments and we discuss your amendments and then we gut it out, that is a good thing.

I have got to digress one moment back to the Speaker's Reform Commission. I know you are tired of hearing that. The good news is, eight of them have spoken. There are 24 total. So you only have about 16 more to listen to. But I am sitting in the Reform Commission meeting early on, and as the majority leader alluded to, this dapper young man in a black shirt and black pants came in there with the energy of a 20-year-old – excited, could not wait to testify before the Reform Commission – and lo and behold, I look across that table, and who is it? It is the majority leader full of vibrancy, full of energy, and even by his own admission says, you know, early on in this reform process, I was on the caboose of the train, but I slowly reached and I clawed and I crawled and now I am in the engineer's quarters, and I am in the front of the Reform Commission and I am in the front of the reform movement. And what are we doing here tonight? From the perspective of an old coroner, we are eviscerating the whole process.

Just earlier today I spoke with a lobbyist outside the Capitol. We were talking about the Reform Commission, and he said, in his 20 years' experience, it was probably the best bipartisan, noncombative exercise he has seen done in this legislature, and I have to agree. You know, we may have some differing opinions here. The intent of that Reform Commission, the intent on the gut-and-replace issue was not narrowed to just the Rules Committee or any other individual committee. We were talking about reforming this entire process, which we knew was broken, the public knew was broken, and that is why they replaced a lot of members. They wanted change in November; they wanted change, and that is what we gave them, and that is why the whole Speaker's Commission was put together. We are setting a precedent which will affect some of those who end up not supporting the appeal of the Chair at a latter date, and then you are going to say, how did this happen?

So, Mr. Speaker, I will say it to you, if you vote not to support the Smith appeal, you are going to take it in the head or in the gut. Make your decision.

Thank you, Mr. Speaker.

The SPEAKER. Representative Perry.

Mr. PERRY. Thank you, Mr. Speaker.

I rise to oppose and ask my fellow colleagues to oppose the rule of the Chair.

In regard to the comments made by the honorable gentleman from Greene County, I just want to juxtapose myself and distinguish myself from his position where he sees this as a clash of two customs or two traditions, and on numerous occasions noted tactical advantage of the majority. I can tell you that the folks that I represent do not give a hoot about customs or traditions or the tactical advantage, and I think that they would see this, as I see it, as a clash of traditions and good government.

Now, I do not know how they vote in Greene County, but I know that the folks in the district I represent are going to vote for good government, and so if the honorable gentleman from Greene County wants to go back and explain tactical advantage as opposed to good government to his constituents, he is welcome to do it.

So I would oppose and ask you to oppose the ruling of the Chair.

And just one other comment to the honorable gentleman, my colleague from Pittsburgh, I just want to let him know I am not scared of anyone or anything in this building.

Thank you, Mr. Speaker.

The SPEAKER. Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, in the course of the debate, I think the gentelady from Philadelphia stated that this has devolved into a competition of recollections over what the intentions were and what the sentiments were, and I think perhaps taking a legalistic approach, the fairest thing to do is to look at the actual language of the rule, which was debated for many weeks by the Speaker's Reform Commission and then hashed out on this very floor and then subjected to a vote of the members.

Rule 21(d), "In cases where an amendment alters a bill so as to effectively rule out of order an amendment which was timely filed...." It does not mean an amendment which was timely filed and adopted. It does not say the word "amendment" has been adopted so as to rule out of order. It just says, "...where an amendment alters...." And the plain language, the black and white of these rules which we all adopted, the effect of the Eachus amendment is to make the preceding hours of debate over the 40-some amendments, which have been referred to time and time again, a charade.

If the members on the other side of the aisle think that was the intention by reforming the rules as to try to dupe the general public into what is actually going on, let them have that choice. But to somehow say that the ways of the old were bad, we are getting away from that, and now we are moving over to a whole new way when we are going to have the same effect, as the gentleman from Centre just said, what have you really changed?

I recognize that one of the candidates from the other side of the aisle was in town today and she may not be the emblem-holder, the standard-bearer of change, but certainly one of your other candidates is, and really, this is about change. Are you people serious about changing what you have so often criticized? The gentelady from Philadelphia said that this is

really not about the little members, the rank-and-file members, but letting the majority leader rule the day, set the calendar, decide what happens.

The gentleman from Northampton said he was so proud to see us going down the list amendment by amendment. This practice would be the exception to the rule, because in previous debates on other bills in this chamber when I have approached the desk, they have hopscotched all over the list to take amendments out of order at the choosing of the majority leader and therefore the Speaker.

So I think, Mr. Speaker, you are rendering chaos on this chamber by adhering to the interpretation you have given at the behest of certain individuals. I think you are making a mockery of the rules which were fought over so long and hard by the other members of this Assembly.

And really for the members of the general public and the press and those who are watching, be very careful to see who is really adhering to the tenets of change and trying to reform this body. If you are going to allow a hearty debate, do not somehow gut and vitiate and obfuscate what is going to take place. If the impact of the day is to run an amendment which completely removes from consideration all the other amendments, what was accomplished from having hours of debate over something which is a charade, a canard, and frankly, as members of the general public know, it is BS.

So let us not try to fool with it anymore. Let us deal with what is going on in this chamber. People want to twist these rules around to their benefit. The language of the black-and-white rules as we adopted over a year ago says that the Eachus amendment would gut and replace, out and out replace all the other amendments that are here for consideration, and that is not what the intentions were. If there truly is a reform sentiment in this chamber, call the Eachus amendment up first and then let the other amendments be considered after, because the Eachus amendment rules all the other ones out.

The majority leader has stated before that we can have a hearty debate, and if your side prevails, that is fine. Why not give a hearty debate 2 hours after the consideration of the amendment which would completely remove from consideration all the hard work that was put in by members of both sides of the aisle?

Thank you very much.

The SPEAKER. Representative Roae.

Mr. ROAE. Thank you, Mr. Speaker.

There seems to be some confusion what the intent of the rule changes were and what the intent of the commission on legislative reform was.

I would like to read you an e-mail that all the members of the Reform Commission got, Mr. Speaker. The e-mail states, "The result of your hard work is an outstanding work product that dramatically reforms the working of the House. No longer will the power be concentrated in the hands of the few, rather it will now be dispersed throughout the House giving a louder voice to each member and through them their constituents. No longer will the shroud of secrecy dominate the internal workings of the House, because you had the political courage to stand up and recommend openness and transparency in the legislative process and in how we spend taxpayer dollars. Upon passage of our recommendations by the full House, you will be responsible for ushering in a new day in Harrisburg."

Mr. Speaker, this letter was written by one of the cochairs of the Reform Commission. I am not going to say which cochair

right now, because I do not want to embarrass that person, but this was written by a cochair of the Reform Commission.

By this e-mail I just read, clearly the intent is to give openness, to give transparency, to give each member ample opportunity to represent their district.

I urge all the members of the Reform Commission to override the ruling of the Chair.

Thank you, Mr. Speaker.

The SPEAKER. Representative Cox.

Mr. COX. Thank you, Mr. Speaker.

Unfortunately for the other side of the aisle, I would like to read— Unfortunately for the other side of the aisle, I would like to read the majority leader's Web site. I would like to read the majority leader's comments from swearing-in day. Fortunately, I will not read all of those this evening, but I wanted to read a couple of statements. On the majority leader's Web site he talks about, on January 2 he had a press release, and he stated, "We are ready for a clean slate and to start over."

On January 2, the majority leader also talked about a new day in Pennsylvania. That phrase was used repeatedly – "a new day." We have heard the phrase "a new day" multiple times throughout the first year of this session. Is a new day doing the same thing over and pointing back to precedent, or is a new day starting over? Starting over is what the majority leader talked about doing on his Web site.

I also would like to read the Speaker's Web site, and on the portion of the Web site that talks about the Reform Commission and what the Reform Commission accomplished, there is a nice summary of the February 2007 recommendations that were ultimately adopted in the March 13 rules. One of the headings, though, that was given on that Web site in plain English, an advantage of the new rules is that they would bring about "Changes to shift power from a few House leaders to all the representatives." The fourth bullet point within that section says, and I quote, "Members may re-file amendments to a bill if the original amendment becomes out of order due to another amendment," and in parentheses it says, "(the 'gut and replace' amendments)." I do not know how we can get any more clear than that. These are not my words; I am just quoting them.

The problem I have is that we are saying one thing and doing another. I would call on the Speaker, I would call on every single member of the Reform Commission, to reconsider what you are doing this evening.

On the other side of the aisle we had one freshman. Reconsider why it is you ran. Reconsider how you wanted to be different from your predecessor, how you said you were going to make a difference. I would ask that you reconsider what direction you want Pennsylvania to take, what direction this legislature should take Pennsylvania.

It is for these reasons that I support Representative Smith's motion to appeal the ruling of the Chair. Thank you.

The SPEAKER. Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I want to make sure that I understand what the ruling of the Chair is. I know we have been going on for a while, and I heard some complaints that maybe we are going on too long, and then I heard a long sea story or war story from the same person that was complaining that we were going on too long about something that happened before many of the members were even here. But I guess he says that we are filibustering, and I do not know, he is just offering great—

The SPEAKER. The House will come to order.

Mr. GABIG. He is just offering great debate, I guess.

The SPEAKER. The gentleman will suspend.

The House will come to order so that the Chair can hear the gentleman's remarks. Conversations will cease.

The gentleman is in order.

Mr. GABIG. Thank you, Mr. Speaker.

I am looking at what I think we are talking about, which is rule 21(d) that was cited earlier by Mr. Reichley. He read it to us. There is a first clause. It says, "In cases where an amendment alters a bill" – so the amendment that we would be talking about is the Eachus amendment – "alters a bill" – which is the underlying bill – "so as to effectively rule out of order an amendment which was timely filed pursuant to the provisions of this rule...." That amendment, which was timely filed, as I understand it, would be the Perry amendment. So what I am asking the Chair, is the Chair ruling that 21(d) applies, as I just read it? Are you saying that the Eachus amendment alters the bill to effectively rule out of order the Perry amendment?

The SPEAKER. The amendments are not out of order. The gentleman is incorrect.

Mr. GABIG. All right, because I thought that I heard— And that has been my confusion all along, because I think people are debating something that might not be the case, that maybe it came from the initial argument from Mr. – from the gentleman from Hazleton – I forget; Luzerne County. I am sorry. In his initial argument he said, vote against the Perry amendment because I have another amendment, or we have another amendment – I am not sure if it is his or one of his colleagues – that is going to take care of all this. And I heard the Chair use the term "gut and replace," that it is going to be a gut and replace. And then the Chair corrected itself and said it is going to be another type of amendment. So that is my question: Is 21(d) applicable to this? Is that the ruling of the Chair, or are you saying that 21(d) does not apply to the situation that we are in right now?

The SPEAKER. The ruling of the Chair is that the sequence of amendments is dominated by the ruling of the majority leader. That is the appeal of the ruling of the Chair. It is not rule 21.

Mr. GABIG. All right, because 21 has to do with two amendments. It has to do with an amendment that will alter another amendment, and I am saying the Eachus amendment, it sounded like to me from what he said, will alter the Perry amendment. And then what that 21(d) says is Perry should have time, under the next clause, "...a replacement amendment" for Perry "may be submitted to the Office of the Chief Clerk provided that the subject matter of the replacement amendment is not substantially different from the intent of the original amendment." So if Eachus can offer a similar type amendment and not change it, he should be given time to do that, and that is why he asked to have this gone over. But I do not know how you can implement 21(d) if you are not going to give Representative Perry the opportunity to say, wait a minute, I want to go have it redrafted, because I just heard there is an amendment that is going to basically, effectively rule out of order his amendment. That is the question.

So it is easy for me to support the Chair actually if you are saying 21(d) does not apply, if you are saying 21(d) is not applicable, that the Eachus amendment will not in fact rule out of order the Perry amendment. So if that is what the ruling is, then maybe there has just been a misunderstanding here, that maybe Mr. Eachus did not understand the combination between

his amendment and Mr. Perry's amendment. And then that would make it easier to move on here. We would not have to have this big ruling.

But if in fact the Eachus amendment does effectively do that, then I think we are under 21(d), and then Mr. Perry should have an opportunity to do what 21(d) gives him the authority to do, gives him the right to do. So that is why I think it is such an important question, to make sure we understand what we are voting on.

The SPEAKER. The ruling of the Chair is whether the majority leader has the authority to set the agenda of the House, specifically the sequence of amendments. That is the ruling of the Chair.

For what purpose does the gentleman rise?

Mr. GABIG. All right. I know people want to go home, I guess, but listen— And you can go home. Leave. I am not stopping you, to be honest with you. Go home. Go all the way home.

But listen, let me ask it directly: If the Eachus amendment passes, will—

The SPEAKER. The gentleman will suspend.

Does the gentleman have a point of parliamentary inquiry? It is not appropriate for members to interrogate the Chair. If the gentleman wishes to speak on the ruling, he should speak on the ruling.

Mr. GABIG. That is correct. I am sorry, Mr. Speaker. I am trying to be courteous. Maybe I am not. I asked for a parliamentary inquiry, and I have not given up on it. I am just trying to get it clear; that is all.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman will state his question.

Mr. GABIG. Okay.

If the Eachus amendment passes, will Representative Perry be given an opportunity, under 21(d), to refile his amendment?

Mr. EACHUS. Mr. Speaker, just one moment? Can I just have one moment, sir? My name is "Eachus."

Mr. GABIG. I will yield; I will yield to the gentleman.

Mr. EACHUS. Thank you.

I just wanted to make sure the gentleman knows, my name is "Eachus," not "Eakus." Thanks.

Mr. GABIG. I stand corrected. I apologize for— What did I say? Eakus. All right, E-a-c-h-u-s – Eachus; Eachus. There we go; got it.

But will the gentleman be given that opportunity under 21(d), is my question, my parliamentary inquiry.

The SPEAKER. The gentleman's amendment would not be a replacement amendment because it would be offered before that subsequent amendment. It would have to be offered, so it would not be eligible for a replacement amendment.

Mr. GABIG. I am sorry. When you say "the gentleman," which gentleman?

The SPEAKER. The amendment would be disposed of before the subsequent amendment. It would not be appropriate for a replacement amendment.

Mr. GABIG. When you say "disposed of," you mean defeated?

The SPEAKER. That would be determined by the members of the House.

Mr. GABIG. All right. So what if it passes? What if the Perry amendment passes and then the Eachus amendment comes up and passes? And I heard Mr. Eachus say it is going to take care of it. So is it going to— Are you following me?

The SPEAKER. If the gentleman wishes to approach; the Chair has answered his point of parliamentary inquiry.

Mr. GABIG. All right.

Well, let me speak then, I guess, on it. Let me speak freely on the matter, if I could, Mr. Speaker.

Mr. Speaker? Mr. Speaker? If I could speak on the motion?

The SPEAKER. The gentleman is in order. He may proceed.

Mr. GABIG. Thank you, Mr. Speaker.

I obviously am not getting what the ruling of the Chair is. I understand that the majority leader can call up the bills. That has been the way it has been here since I have been here and I think that is the way it is under the rules. But when you get to amendments, I thought that what we had done under 21(d), if what we used to call a gut-and-replace amendment – I am not sure what the terminology that the majority leader wants to use for the Eachus amendment, if that is a gut-and-replace amendment or not – but if it puts something else out of order, then – in this case, the Perry amendment – they should have a chance to refile as if it were in order and timely filed. That is exactly what the rule says.

And this rule was adopted— This is March 2008. These rules were adopted, according to the book that I have, March 2007, a year ago. We have had a year of experience under these rules, an entire year, a full year of parliamentary experience under these rules. And there has not been one time where this has happened before the Speaker cited some procedures from '96, I believe, and earlier, but certainly not during this entire year.

So this is a new attempt by the majority leader to circumvent – I am not going to say eviscerate – but circumvent the clear intent of 21(d), and there is no custom and there is no tradition and there is no experience that we have had this year to do this. This is a new attempt to do this. So what he is saying is, you go ahead, and then what the gentlelady from Philadelphia said, you go ahead and debate all these; we are going to gut and replace them at the end anyway, because we got in there at, as the gentleman from Lancaster said, at 1:57 or 1:58.

So I guess what we need to do and I would encourage my leadership to do, whenever we have our amendments, is we get there at 1:59:59 and we have the biggest, toughest guys on our side to be able to shove ourselves in there, and we will have a scrum, a rugby scrum, to get there to see who is going to get their amendments in. I mean, that is absurd. That is right; they got some longshoremen, some former longshoremen. They have some big guys, some old linemen over there. We will get some of our big guys over here, and we will get in there—

The SPEAKER. The gentleman will suspend.

The House will come to order and members will take their seats. Members will take their seats. Sergeants at Arms will clear the aisles. Members will take their seats.

The gentleman is in order.

Mr. GABIG. Thank you, Mr. Speaker.

But I do not think that was the intent of the rules, to get into a rugby scrum of who gets in there at 1:59:59. The intent of the rules would be that Mr. Perry, in this case, should have the opportunity to simply say he wants to go redraft his to the gut-and-replace thing, and then his would be in order; we would be able to debate it; it would be real. It would not be some kind

of phony debate where it really does not matter because we got the gut and replace coming.

So that is the dilemma that I am in. If that is what the ruling of the Chair is and that is going to be the procedure, I do not think that is a good idea for us, and I think we should avoid that.

PARLIAMENTARY INQUIRY

Mr. GABIG. So one other— I have another parliamentary inquiry. It is a simpler one, Mr. Speaker.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. GABIG. The "yes" and "no" on this motion?

The SPEAKER. The Chair will announce that in a moment.

Mr. GABIG. Thank you very much, Mr. Speaker.

The SPEAKER. Shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—103

Belfanti	George	Mann	Shimkus
Bennington	Gerber	Markosek	Siptroth
Bianucci	Gergely	McCall	Smith, K.
Bishop	Gibbons	McGeehan	Smith, M.
Blackwell	Goodman	McI. Smith	Solobay
Brennan	Grucela	Melio	Staback
Buxton	Haluska	Mundy	Sturla
Caltagirone	Hanna	Myers	Surra
Carroll	Harhai	O'Brien, M.	Tangretti
Casorio	Harkins	Oliver	Taylor, R.
Cohen	Hornaman	Pallone	Thomas
Conklin	James	Parker	Vitali
Costa	Josephs	Pashinski	Wagner
Cruz	Keller, W.	Payton	Walko
Curry	Kessler	Petrarca	Wansacz
Daley	King	Petrone	Waters
DeLuca	Kirkland	Preston	Wheatley
DePasquale	Kortz	Ramaley	White
Dermody	Kotik	Readshaw	Williams
DeWeese	Kula	Roebuck	Wojnaroski
Donatucci	Leach	Sabatina	Yewcic
Eachus	Lentz	Sainato	Youngblood
Evans, D.	Levdansky	Samuelson	Yudichak
Fabrizio	Longietti	Santoni	
Frankel	Mahoney	Seip	O'Brien, D., Speaker
Freeman	Manderino	Shapiro	
Galloway			

NAYS—97

Adolph	Fleck	Marsico	Quinn
Argall	Gabig	McIlhattan	Rapp
Baker	Geist	Mensch	Raymond
Barrar	Gillespie	Metcalfe	Reed
Bastian	Gingrich	Micozzie	Reichley
Bear	Godshall	Millard	Roae
Benninghoff	Grell	Miller	Rock
Beyer	Harhart	Milne	Rohrer
Boback	Harper	Moul	Ross
Boyd	Harris	Moyer	Rubley
Brooks	Helm	Murt	Saylor

Cappelli	Hennessey	Mustio	Scavello
Causer	Hess	Nailor	Schroder
Civera	Hickernell	Nickol	Smith, S.
Clymer	Hutchinson	O'Neill	Sonney
Cox	Kauffman	Payne	Steil
Creighton	Keller, M.	Peifer	Stern
Cutler	Kenney	Perry	Stevenson
Dally	Killion	Perzel	Swanger
Denlinger	Mackereth	Petri	True
DiGirolamo	Maher	Phillips	Turzai
Ellis	Major	Pickett	Vereb
Evans, J.	Mantz	Pyle	Vulakovich
Everett	Marshall	Quigley	Watson
Fairchild			

NOT VOTING—0

EXCUSED—3

Hershey	Stairs	Taylor, J.
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The majority having voted in the affirmative, the question was determined in the affirmative and the decision of the Chair stood as the judgment of the House.

On the question recurring,

Will the House agree to the bill on second consideration?

BILL PASSED OVER

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. On a scheduling issue.

I would respectfully request that we go over this measure for the day and that we report to the floor at 9 a.m. for a lengthy day of debate. Thank you.

The SPEAKER. The Chair thanks the gentleman.

TOURISM AND RECREATIONAL DEVELOPMENT COMMITTEE MEETING

The SPEAKER. For what purpose does Representative Tangretti rise?

Mr. TANGRETTI. Thank you, Mr. Speaker.

Just to remind the members of the Tourism Committee, we still are going to have our meeting, room 205, to consider HB 2302 – right now. Thank you.

The SPEAKER. The Tourism Committee will meet immediately in room 205.

ANNOUNCEMENT BY MR. CALTAGIRONE

The SPEAKER. For what purpose does the gentleman, Representative Caltagirone, rise?

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

For the benefit of the members of the Judiciary Committee, we will not meet tonight. We will do it at the call of the Chair tomorrow, whenever that will fall.

Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. Representative Smith.

Mr. S. SMITH. Mr. Speaker, relative to the schedule.

Mr. Speaker, as a lot of the previous debate pointed out, this amendment was filed very late, at 1:57. In fact, Mr. Speaker, the language of this amendment was not even on the system until somewhere around 4 o'clock. Our staff has been trying to, you know, do a read on it. We obviously have not been privy to even what this omnibus amendment, the gut-and-replace amendment, does.

Mr. Speaker, I would request that we could at least have a caucus at 9 o'clock for a half an hour so that our membership can at least be apprised as to what is in the amendment that is so important that we are not supposed to amend it. We should at least be able to know what is in it.

So my question, Mr. Speaker, was really of the majority leader, if the Republican Party could have a caucus at 9 o'clock in order to review the amendment with the members of the caucus.

COMMITTEE MEETING POSTPONED

The SPEAKER. For what purpose does the gentleman, Representative Belfanti, rise?

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, we had scheduled a voting Labor Relations Committee tomorrow morning at 10 o'clock. That meeting will be postponed for at least a week. There will be no meeting tomorrow of the House Labor Relations Committee. Thank you.

COMMERCE COMMITTEE MEETING

The SPEAKER. For what purpose does the gentleman, Representative McGeehan, rise?

Mr. MCGEEHAN. Thank you, Mr. Speaker. To announce a committee meeting.

The SPEAKER. The gentleman is in order.

Mr. MCGEEHAN. Thank you, Mr. Speaker.

On behalf of Chairman Daley and the Commerce Committee, I want to announce that there will be a Commerce Committee meeting tomorrow at the call of the Chair. That meeting will be held in the majority Appropriations Committee meeting room.

The SPEAKER. The Chair thanks the gentleman.

The Commerce Committee will meet tomorrow at the call of the Chair in the majority Appropriations meeting room.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1323**, **PN 1772**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in Local Government Capital Project Loan Fund provisions, for assistance to municipalities.

On the question,

Will the House agree to the bill on second consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1323 be removed from the active calendar and placed on the tabled bill calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1323 be removed from the tabled bill calendar and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the tabled bill calendar:

HB 229;
HB 725;
HB 1045;
HB 2036;
HB 2109;
HB 2114;
HB 2182;
HB 2204; and
HB 2242.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

HB 229;
HB 725;
HB 1045;
HB 2036;
HB 2109;
HB 2114;
HB 2182;
HB 2204; and
HB 2242.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that the following resolution be removed from the tabled bill calendar and placed on the active calendar: HR 355.

On the question,
Will the House agree to the motion?
Motion was agreed to.

The SPEAKER. Is there any further business before the House?

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes Representative Moyer from Montgomery County, who moves that this House do now adjourn until Wednesday, March 12, 2008, at 9 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 7:33 p.m., e.d.t., the House adjourned.